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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,199	07/18/2003	Thomas Gros	40124/01402	2838

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FAY KAPLUN & MARCIN, LLP
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EXAMINER

RAY, GOPAL C

ART UNIT	PAPER NUMBER
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2111.

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,199

Applicant(s)

GROS ET AL.

Examiner

Gopal C. Ray

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/22/03 & 11/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The examiner acknowledges the cancellation of claims 1-27 and addition of new claims 28-54 by the Preliminary amendment filed on 9/22/03. Claims 28-54 are presented for examination.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the words "means" (line 4) and "said" (lines 3 and 7). Furthermore, the Abstract of the Disclosure is limited to a single paragraph. Therefore, applicant should delete "(Fig.7)" at the bottom of the abstract.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.

4. The drawings filed on 9/22/03 are acceptable by the examiner. However, direct any inquiries concerning drawing review by the USPTO draftsman to the Drawing Review Branch at (703) 305-8404.
5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
6. Claim 43 is objected to because it is an improper dependent. The claim depends on claim 17, which has been canceled. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. Claims 28-41, 47, 48 and 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,108,782 issued to Fletcher et al.

As per claim 28, the reference of to Fletcher et al. teaches "at least one bus interface communicating with the bus system" in Fig. 1, elements 60-63; "a bus monitor arrangement coupled to the bus interface" in Fig. 1, elements dRMON; "wherein the bus station performs a secondary function different from the primary function using the bus monitor arrangement, the secondary function including at least one of: monitoring a communication between the bus station and the bus system ..." in Figures 4-6 and col. 11, lines 48-60.

As per dependent claims 29-31, the added limitations of the claims recite various forms of monitor data. However, the reference of Fletcher et al. teaches the features in Fig. 5 and col. 8, line 56 – col. 9, line 9.

As per dependent claims 33-34, the added limitations of the claims recite filter and filter commands evaluating monitor data. However, the reference of Fletcher et al. inherently teaches the features in col. 4, lines 45-48.

As per dependent claims 35 and 38, the reference of Fletcher et al. teaches “memory storing detected monitor data” in col. 19, lines 52-57 and “a screen and a display visualizing monitor data” in col. 18, lines 5-13.

As per dependent claims 32, 36 and 37, the reference of Fletcher et al. inherently teaches the added limitations of the claims in col. 6, lines 10-25.

As per claim 41, the claim is rejected for similar reasons as discussed in the rejection of claims 32, 36 and 37 above.

As per dependent claims 39-40, the reference of Fletcher et al. teaches the added limitations of the claims in col. 4, lines 45-48 and col. 20, lines 8-12.

As per dependent claim 47, the reference of Fletcher et al. teaches “a bridge” in col. 2, lines 3-9.

As per claim 48, the claim is rejected for similar reasons as discussed in the rejection of claim 28.

As per claims 50 and 53, the claims recite methods. However, the limitations of the claims are parallel to the limitations of apparatus claim 28. In teaching the construction and use of the device, US Patent 6,108,782 issued to Fletcher et al.

teaches corresponding methods.

As per dependent claims 51 and 52, the claims recite methods. However, the limitations of the claims are parallel to the limitations of apparatus claim 30. In teaching the construction and use of the device, US Patent 6,108,782 issued to Fletcher et al.

teaches corresponding methods.

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 42-46, 49 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,108,782 issued to Fletcher et al. in view of common knowledge in the art.

As per dependent claims 42-46, the claims are rejected for the same reasons as discussed in the rejection of respective parent claims with the exception of an extra limitation added to each claim. However, the examiner takes Official Notice that the added limitations are well known in computer art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement those features in the system of Fletcher et al. to obtain the claimed invention so as to allow the system to be compatible with a widely used standard and to allow the system to take advantage of the many benefits provided by those features.

As per claim 49 and 54, the claims are rejected for similar reasons as discussed in the rejection of claim 42.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure.

The prior art submitted by applicant has been considered by the examiner and made of record in the file. Applicants are reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR 1.97 and 1.98.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [mark.rinehart@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site (www.uspto.gov), from

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the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.

Gopal C. Ray
GOPAL C. RAY
PRIMARY EXAMINER
GROUP 2100